



[BILLING CODE 3290-F5]

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**[Dispute No. WTO/DS488]**

**WTO Dispute Settlement Proceeding Regarding United States - Anti-Dumping Measures on Oil Country Tubular Goods from Korea**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) is providing notice that the Republic of Korea has requested the establishment of a dispute settlement panel under the *Marrakesh Agreement Establishing the World Trade Organization* (WTO Agreement). That request may be found at [www.wto.org](http://www.wto.org) contained in a document designated as WT/DS488/5.

USTR invites written comments from the public concerning the issues raised in this dispute.

**DATES:** Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before May 1, 2015, to be assured of timely consideration by USTR.

**ADDRESSES:** Public comments should be submitted electronically to [www.regulations.gov](http://www.regulations.gov), docket number USTR-2015-0001. If you are unable to provide submissions by [www.regulations.gov](http://www.regulations.gov), please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission.

If (as explained below) the comment contains confidential information, then the comment should be submitted by fax only to Sandy McKinzy at (202) 395-3640.

**FOR FURTHER INFORMATION CONTACT:** Matthew Jaffe, Assistant General Counsel, or Ross Bidlingmaier, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508, (202) 395-3150.

**SUPPLEMENTARY INFORMATION:** Section 127(b) of the Uruguay Round Agreements Act (“URAA”) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, USTR is providing notice that a dispute settlement panel has been established pursuant to the WTO Dispute Settlement Understanding (“DSU”). The panel will hold its meetings in Geneva, Switzerland.

### **Major Issues Raised by Korea**

On July 18, 2014, the Department of Commerce (“Commerce”) published in the Federal Register notice of its final affirmative less-than-fair-value determination in the antidumping investigation concerning oil country tubular goods from Korea (79 FR 41983). On September 10, 2014, Commerce published the antidumping duty order (79 FR 53691).

In its request for the establishment of a panel, Korea challenges Commerce’s calculation of the constructed value profit rate for the Korean respondents in the antidumping investigation of oil

country tubular goods from Korea. Korea alleges inconsistencies with Articles 2.2, 2.2.2, and 2.4 of the Anti-Dumping Agreement. Korea also makes certain procedural claims with respect to Commerce's calculation of the constructed value profit rate, alleging inconsistencies with Articles 6.2, 6.4, 6.9, and 12.2.2 of the Anti-Dumping Agreement, and Articles I and X:3 of the General Agreement on Tariffs and Trade 1994.

Korea also challenges Commerce's use of downstream sale prices and costs based on an affiliated supplier's books and records for the Korean respondent NEXTEEL. Korea alleges inconsistencies with Articles 2.3 and 2.2.1.1 of the Anti-Dumping Agreement. In addition, Korea challenges Commerce's decision to select two mandatory respondents as inconsistent with Article 6.10, including Articles 6.10.1 and 6.10.2 of the Anti-Dumping Agreement.

Finally, Korea challenges "as such" Commerce's use of an alleged methodology to determine whether a respondent's third-country sales are viable for the purposes of calculating normal value. Korea also challenges Commerce's application of this alleged methodology in the determinations at issue in Korea's request for the establishment of a panel. Korea alleges inconsistencies with Article 2.2 of the Anti-Dumping Agreement.

#### **Public Comment: Requirements for Submissions**

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit public comments electronically to [www.regulations.gov](http://www.regulations.gov) docket number USTR-2015-0001. If you are unable to provide submissions by [www.regulations.gov](http://www.regulations.gov), please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of

transmission.

To submit comments via [www.regulations.gov](http://www.regulations.gov), enter docket number USTR-2015-0001 on the home page and click “search”. The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting “Notice” under “Document Type” on the left side of the search-results page, and click on the link entitled “Comment Now!” (For further information on using the [www.regulations.gov](http://www.regulations.gov) website, please consult the resources provided on the website by clicking on “How to Use This Site” on the left side of the home page.)

The [www.regulations.gov](http://www.regulations.gov) website allows users to provide comments by filling in a “Type Comments” field, or by attaching a document using an “Upload File” field. It is expected that most comments will be provided in an attached document. If a document is attached, it is sufficient to type “See attached” in the “Type Comments” field.

A person requesting that information contained in a comment that he/she submitted, be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked “BUSINESS CONFIDENTIAL” at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395-3640. A non-confidential summary of the confidential information must be submitted to [www.regulations.gov](http://www.regulations.gov). The non-confidential summary will be placed in the

docket and will be open to public inspection.

USTR may determine that information or advice contained in a comment submitted, other than business confidential information, is confidential in accordance with Section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter –

- (1) Must clearly so designate the information or advice;
- (2) Must clearly mark the material as “SUBMITTED IN CONFIDENCE”  
at the top and bottom of the cover page and each succeeding page; and
- (3) Must provide a non-confidential summary of the information or advice.

Any comment containing confidential information must be submitted by fax. A non-confidential summary of the confidential information must be submitted to [www.regulations.gov](http://www.regulations.gov). The non-confidential summary will be placed in the docket and will be open to public inspection.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR-2015-0001, accessible to the public at [www.regulations.gov](http://www.regulations.gov).

The public file will include non-confidential comments received by USTR from the public regarding the dispute. If a dispute settlement panel is convened, or in the event of an appeal from such a panel, the following documents will be made available to the public at [www.ustr.gov](http://www.ustr.gov): the United States’ submissions, any non-confidential submissions received from other participants in the dispute, and any non-confidential summaries of submissions received from other participants

in the dispute. In the event that a dispute settlement panel is convened, or in the event of an appeal from such a panel, and, if applicable, the report of the Appellate Body, will also be available on the website of the World Trade Organization, at [www.wto.org](http://www.wto.org). Comments open to public inspection may be viewed at [www.regulations.gov](http://www.regulations.gov).

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**Juan Millan,**

**Assistant United States Trade Representative**

**for Monitoring and Enforcement.**

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